



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Peggy Gagnon
Bill Nelson for U.S. Senate
500 Red Sail Way
Satellite Beach, FL 32939

APR 27 2005

RE: MUR 5405

Dear Ms. Gagnon:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") obtained information indicating that Bill Nelson for U.S. Senate and you, in your official capacity as treasurer, accepted corporate contributions made from Apex Healthcare, Inc. in the name of others.

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations are prohibited from making contributions or expenditures from their general treasury funds in connection with any election of any candidate for federal office. 2 U.S.C. § 441b(a). The Act also provides that no person shall make a contribution in the name of another person or knowingly permit their name to be used to effect such a contribution. 2 U.S.C. § 441f.

The Commission determined that the following two contributions came from a prohibited source:

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>
Dawn Burdelik	10/8/2002	\$1,000.00
Sharon Linares	10/8/2002	\$1,000.00

After considering the circumstances of the matter, the Commission determined on February 8, 2005, to take no action against Bill Nelson for U.S. Senate or you, in your official capacity as treasurer. Nevertheless, the Commission reminds you that the treasurer of a political committee is responsible for examining all contributions received by the political committee for evidence of legality. 11 C.F.R. § 103.3(b). Contributions that present genuine questions as to whether they were made by legal sources may be deposited into a campaign depository or returned to the contributor. If any such contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. 11 C.F.R. § 103.3(b)(1). If the treasurer determines that at the time a contribution was received and deposited it did not appear to be made in the name of another or exceed contribution limits, but later discovers that it is illegal based on new

Peggy Gagnon
MUR 5405
Bill Nelson for U.S. Senate
Page 2

evidence not available to the political committee at the time of receipt and deposit, the treasurer shall refund the contribution within thirty days of the date on which the illegality was discovered. 11 C.F.R. § 103.3(b)(2). Because the prohibited source waived its right to a refund of these contributions, the money should be disgorged to the U.S. Treasury by sending a check for \$2,000, made payable to the U.S. Treasury and referencing MUR 5405, to the following address:

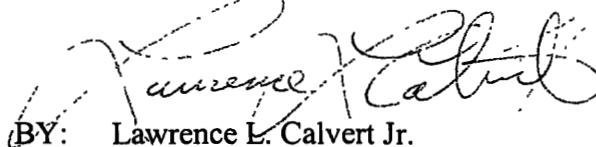
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

This is to advise you that the file in this matter has been closed and this matter is now public. Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lawrence H. Norton
General Counsel


BY: Lawrence L. Calvert Jr.

Deputy Associate General Counsel
for Enforcement

25044111901